



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
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**MAY 18, 2015**

Regular meeting of the City Council held on Monday, MAY 18, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 8:54 PM.

ORDERED: That the Minutes of the City Council meeting APRIL 27, 2015, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting MAY 4, 2015, **FILE**; adopted.

**MOTION made Councilor Ossing to move Item 16 before the Public Hearings – Carries.**

**Mayor Vigeant was allowed to address the City Council pertinent to the promotions.**

ORDERED: That the Fire Department promotions of Lieutenant Brian Gould to Captain and Firefighter Frederick Johannes to Lieutenant, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of Comcast to construct a line for such telecommunications on Newton St. starting at the utility pole opposite the intersection of Weed St., excavate and place 3" schedule 40 PVC conduit system continuing in an easterly direction toward Weed St., continue within Weed St. and turn in a northerly direction towards Main St. within the paved foot path between 194 & 200 Main St., turning in a Easterly direction to the rear of 178-194 Main St., Order No. 15-1006186, all were heard who wish to be heard, hearing recessed at 8:05 PM.

**Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.**

ORDERED: That the **PUBLIC HEARING** On the Proposed Zoning Change Limited Industrial District as submitted by Attorney Gadbois, Order No. 15-1006185, all were heard who wish to be heard, hearing recessed at 8:21 PM.

**Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.**



**ORDERED:** That the transfer request in the amount of \$500,000.00 which moves funds from Undesignated to Undesignated Stabilization which coincides with the increase in the total budget, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$3,253,241.69	\$500,000.00	10000	35900	Undesignated Fund	\$500,000.00	83600	32925	Undesignated Stabilization	\$7,288,114.47	
Reason:		To increase undesignated stabilization funds								
	\$500,000.00	Total			\$500,000.00	Total				

**ORDERED:** That the various Year-end Intra-Departmental transfer requests as noted on the attached spreadsheets which include the monetary amounts and purpose, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Police				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$9,614.18	\$9,614.18	11990006	51500	Fringes	\$108,352.00	12100003	51920	Sick Leave Buy Back	\$0.00	
Retirement payout for 2 employees										
\$437,344.50	\$38,737.82	12100001	50420	Police Officers	\$3,374.45	12100001	50510	Police Lieutenants	\$67,468.96	
Funds available due to injuries & retirements										
\$62,738.82	\$13,738.82	12100003	51213	Public Safety Dispatchers						
Funds available due to grant										
\$137,307.19	\$49,635.63	12100003	51440	Educational Incentive						
Funds available										
	\$111,726.45	Total			\$111,726.45	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		15		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$5,000.00	\$5,000.00	12200003	51412	HAZMAT PAY	\$5,000.00	12200003	51328	CALL FIRE OVERTIME	\$5,784.05	
Reason: FEWER THAN EXPECTED RECEIVED HAZMAT CERTIFICATION PRIOR TO DEPARTMENT PAYOUT AND UNFILLED POSITION					BALANCE MAY NOT BE SUFFICIENT TO COMPLETE FY15					
\$19,924.90	\$5,000.00	12200003	51430	LONGEVITY	\$5,000.00	12200003	51328	CALL FIRE OVERTIME	\$5,784.05	
Reason: SURPLUS DUE TO RETIREMENTS					BALANCE MAY NOT BE SUFFICIENT TO COMPLETE FY15					
	\$10,000.00	Total			\$10,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$24,644	\$17,470	14001002	50062	Finance Assistant	\$2,130	14001001	50600	DPW Commissioner	\$13,035	
Reason: Money available due to vacancy					Anticipated cost to cover remaining FY 15					
					\$15,340	14001305	55310	Highway Constr. Mater	\$19,721	
					Anticipated cost to cover remaining FY 15					
\$14,443	\$1,880	14001101	50640	City Engineer	\$1,875	14001305	55310	Highway Constr. Mater	\$19,721	
Reason: Money available due to step increases					Anticipated cost to cover remaining FY 15					
					\$5	14001101	50705	Assistant Civil Engineer	\$10,417	
					Anticipated cost to cover remainder of FY15					
\$31,834	\$4,350	14001101	50710	Junior Civil Enginner	\$4,350	14001305	55310	Highway Constr. Mater	\$19,721	
Reason: Anticipated Surplus					Anticipated cost to cover remaining FY 15					
\$48,577	\$10,200	14001301	50690	Foreman	\$8,500	14001305	55310	Highway Constr. Mater	\$19,721	
Reason: Money available due to vacancy					Anticipated cost to cover remaining FY 15					
					\$1,700	14001303	51990	Meal Allowance	\$111	
					Anticipated cost to cover remainder of FY15					
\$4,400	\$4,000	14001103	51440	Educational Incentive	\$4,000	14001305	55310	Highway Constr. Mater	\$19,721	
Reason: Contractual					Anticipated cost to cover remaining FY 15					
	\$37,900	Total			\$37,900	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$135,210	\$40,950	14001303	50740	Equipment Operators	\$13,000	14001303	51310	Overtime-Regular	\$1,083	
	Reason:	Money available due to vacancy					Anticipated cost to cover remainder of FY15			
					\$4,800	14001303	51240	Temporary Part-time	\$2,800	
						Anticipated cost to cover remainder of FY15				
					\$23,150	14001304	53140	Contract Services	\$7,025	
						Anticipated cost to cover remainder of FY15				
\$116,019	\$105,000	14001406	54830	Fuel & Lubricants	\$15,000	14001006	52450	Radio Repairs	\$0	
	Reason:	Money Available due to W.C.					Contract & voice lines			
					\$15,000	14001304	53140	Contract Services	\$7,025	
						Anticipated cost to cover remainder of FY15				
					\$15,000	14001406	54810	Rep/Maint Supplies	\$346	
						Anticipated cost to cover remainder of FY15				
					\$35,000	14001305	55310	Highway Constr. Mater	\$1,289	
						Anticipated cost to cover remaining FY 15				
					\$25,000	11920006	52200	Natural Gas	\$7,025	
						Increase costs due to senior center				
	\$145,950	Total			\$145,950	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$56,274	\$16,000	14001501	50690	Foreman	\$16,000	14001306	55400	Sidewalk Maint.	\$248	
	Reason:	Money Available due to W.C.					Emergency response as well as weekend burials			
\$152,992	\$8,700	14001503	50740	Equipment Operator	\$6,700	14001304	53140	Contract Service	\$7,025	
	Reason:	Money Available due to W.C.					Anticipated cost to cover remainder of FY15			
					\$2,000	14001503	51310	Overtime-Regular (FPC)	\$2,047	
									Emergency response as well as weekend burials	
\$152,992	\$64,000	14001503	50740	Equipment Operator	\$1,000	14001506	54240	License & Inspection	\$15	
	Reason:	Money Available due to W.C.					Anticipated cost to cover remainder of FY15			
					\$1,000	14001506	54420	Misc Hand/Power Tool	\$7	
									Anticipated cost to cover remainder of FY15	
					\$3,000	14001506	52500	Rep/Maint Equipment	\$1	
									Anticipated cost to cover remainder of FY15	
					\$32,000	14001304	53140	Contract Services	\$7,025	
									Anticipated cost to cover remaining FY 15	
					\$27,000	14001305	55310	Highway Constr. Mater	\$19,721	
									Anticipated cost to cover remaining FY 15	
	\$64,000	Total			\$64,000	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$7,926	\$976	60080001	50580	Assistant Chemist	\$976	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy				Anticipated cost to cover remainder of FY15				
\$4,000	\$4,000	60080003	51440	Educational Incentive	\$4,000	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Contractual				Anticipated cost to cover remainder of FY15				
\$49,080	\$6,287	60081001	50850	Sewage Tr Plant Opers	\$6,287	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy				Anticipated cost to cover remainder of FY15				
\$14,566	\$3,140	60081001	50910	Head Tr Plant Oper	\$3,140	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Anticipated surplus				Anticipated cost to cover remainder of FY15				
\$40,685	\$1,600	60081006	55950	East WWTP	\$1,600	60081003	51310	Overtime - Regular	\$1,746	
	Reason:	Anticipated surplus				Anticipated cost to cover remainder of FY15				
\$41,673	\$7,257	60085001	50850	Sewage Tr Plant Opers	\$7,257	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy				Anticipated cost to cover remainder of FY15				
\$3,501	\$860	60085006	55980	West WW Tr Plant	\$310	60085003	51310	Overtime-Regular	\$2,995	
	Reason:	Anticipated surplus				Anticipated cost to cover remainder of FY15				
					\$550	60085003	51470	Interim Foreman	\$285	
						Anticipated cost to cover remainder of FY15				
	\$19,144	Total			\$19,144	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$30,918	\$11,700	61090001	50690	Foreman	\$11,700	61090006	55710	Water Maintenance	\$949	
	Reason:	Money available due to vacancy				Anticipated cost to cover remainder of FY15				
\$105,577	\$21,200	61090001	50740	Equip Ops	\$21,200	61090006	55710	Water Maintenance	\$949	
	Reason:	Money available due to vacancy				Anticipated cost to cover remainder of FY15				
\$5,351	\$5,351	61090003	51920	Sick Leave Buy Back	\$5,351	61090003	51310	Overtime-Regular	3,502.97	
	Reason:	Money available due to vacancy				Anticipated cost to cover remainder of FY15				
	\$38,251	Total			\$38,251	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		PUBLIC FACILITES				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$ 29,264	\$11,000	11920001	50690	Foreman	\$10,000	1192001	50292	Building Mtc. Craftsman	\$11,714	
Reason:		Suprlus due to vacancy				Under funded				
					\$1,000	11920001	50300	Assistant Director	\$3,546	
						Under funded				
	\$11,000.00	Total			\$11,000.00	Total				

**ORDERED:** That the transfer request in the amount of \$433,148.18 which moves funds from Sligo Hill Antennae to Parks and Recreation Revolving Fund, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:						FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available/Encumbered									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$433,148.18	\$433,148.18	26219201	52415	Sligo Hill antennae lease	\$433,148.18	26244401	52415	Parks & Recreation Revolving	\$599,276.39	
Reason:		To transfer balances to the Parks & Recreation revolving account								
	\$433,148.18	Total			\$433,148.18	Total				

**Councilor Oram recused.**

ORDERED: That Comptroller’s transfer requests in the amounts of \$15,000.00, \$31,835.43 & \$13,000.00 which moves funds from and to various accounts as noted on the attached spreadsheet to fund Postage and Workers Compensation Insurance respectively, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$40,000.00	\$15,000.00	17520006	59253	Other Interest	\$15,000.00	11330006	53460	Postage	\$6,897.18	
Reason:		Surplus				Needed to cover mailings				
\$31,835.43	\$31,835.43	61071106	59948	1999 Multi Purpose	\$44,835.43	11960006	51710	Workers Comp Ins	\$400,624.01	
Reason:		Surplus				Needed to replenish paid claims				
\$13,000.00	\$13,000.00	61075106	58948	1999 Multi Purpose Interest						
Reason:		Surplus								
	\$59,835.43	Total			\$59,835.43	Total				

ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated to Open Space Stabilization as the City received FY14 Wireless Antennae receipts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:						FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$3,253,241.69	\$18,000.00	10000	35900	Undesignated Fund	\$18,000.00	83600	32918	Stabilization-Open Space	\$855,693.19	
Reason:		To transfer annual wireless antennae payments received by the City in fiscal year 2014 to Open Space Stabilization								
	\$18,000.00	Total			\$18,000.00	Total				

**ORDERED:** That the Request for Consolidation of Stabilization Accounts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Mayor				FISCAL YEAR:	2015		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$26,980.05	\$26,980.05	83600	32700	Stab-Neighborhood Mini Gr	\$1,166,486.38	83600	32925	Undesignated Stabilization	\$7,288,114.47
\$130,064.00	\$130,064.00	83600	32701	Stab-Public Safety Fud				To remove designations	
\$55,000.00	\$55,000.00	83600	32704	Stab-Harvard/Parmenter St					
\$19,800.00	\$19,800.00	83600	32705	Stab-Traffic Studies					
\$15,000.00	\$15,000.00	83600	32706	Stab-Milham Upgrade					
\$19,047.83	\$19,047.83	83600	32707	Stab-Rehab Pumping Station					
\$711,645.67	\$711,645.67	83600	32708	Stab-Cedar Hill St					
\$25,594.23	\$25,594.23	83600	32709	Stab-Signalization					
\$94,384.60	\$94,384.60	83600	32711	Stab-Capacity Study					
\$10,000.00	\$10,000.00	83600	32714	Stab-Robin Hill Cemetery					
\$25,000.00	\$25,000.00	83600	32715	Stab-Southwest Sidewalks					
\$2,720.00	\$2,720.00	83600	32718	Stab-Affordable Housing					
\$25,000.00	\$25,000.00	83600	32719	Stab-Route 20 Pedestrian					
\$6,250.00	\$6,250.00	83600	32720	Stab-Route 20 Beautification					
	\$1,166,486.38	Total			\$1,166,486.38	Total			

ORDERED:

**Public Safety Revolving Fund**

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2016, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than seventy-five thousand dollars shall be expended during Fiscal Year 2016, unless otherwise authorized by City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

**Parks and Recreation Revolving Fund**

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2016 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; Sligo Hill and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than one hundred thousand dollars shall be expended during Fiscal Year 2016, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

**Councilor Oram recused.**

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

AMENDED  
TAX INCREMENT FINANCING AGREEMENT  
BETWEEN  
THE CITY OF MARLBOROUGH (Alternatively, the "City"),  
HOLOGIC, INC. (Alternatively, the "Company")  
AND  
445 SIMARANO DRIVE MARLBOROUGH, LLC (Alternatively, the "Property Owner")

THIS AMENDED TAX INCREMENT FINANCING AGREEMENT (the "Amended TIF Agreement") is made this \_\_\_ day of May, 2015 by and between the City, the Company, and the Property Owner.

WHEREAS, Cytac Corporation was acquired by the Company October 22, 2007; and

WHEREAS, the Company is a Delaware corporation presently having its principal office at 35 Crosby Drive, Bedford, MA 01730, and is authorized to do business in Massachusetts; and

WHEREAS, the Company intends to relocate its global corporate headquarters to 250 Campus Drive, Marlborough, MA, subject to approval of its Board of Directors; and

WHEREAS, the Property Owner is a Massachusetts Limited Liability Company having its principal office at Metropolis Partners, Inc. 1 Ferry Building, Suite 255, San Francisco 94111, and is authorized to do business in Massachusetts; and

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council having its principal office at Marlborough City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company plans to continue the use of the 176,020 square foot building located at 445 Simarano Drive in Marlborough, Massachusetts, shown on Marlborough's City Assessor's Map 116, Parcel 1 (hereinafter the "Property"), where it intends to relocate some employees from its Bedford property; and

WHEREAS, the Property is located within the boundaries of the Marlborough-Framingham Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "ETA"); and

WHEREAS, the Property is located within the 445 Simarano Drive Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3E, and referred to below as the "EOA"); and

WHEREAS, the Company intends to create 150 permanent new, full-time jobs, which will bring the total company employment to over 600 positions, at the two locations - 445 Simarano Drive and 250 Campus Drive; and

WHEREAS, the parties to the Agreement are desirous of entering into an amendment of the Tax Increment Financing (TIF) Agreement dated October 30, 2006 in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A, Chapter 40, § 59 and Chapter 59, § 5 of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy economy and stronger tax base; and

WHEREAS, the Project will further the economic development goals and criteria established for the ETA and EOA;

NOW THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS

1. The City Council initially approved the provisions of the original TIF Agreement on October 30, 2006 (see attached resolution) and approved the amended language on May \_\_\_\_, 2015. The City Council hereby authorizes the Mayor to execute this Amended TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Property Owner with this Amended TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the EACC.
2. A Tax Increment Financing Exemption (the "Exemption") is hereby granted to the Property Owner and the Company by the City in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5, Clause Fifty-first of the Massachusetts General Laws. The Exemption shall be for a total period of thirteen (13) years (the "Exemption Period"), commencing on July 1, 2007 (the beginning of fiscal year 2008) and ending on June 30, 2020 (the end of fiscal year 2020), and shall provide an exemption from taxation on the incremental value of the Property, as follows:

Year	Company Space - TIF Exemption Percentage	Pro Rata Share of the Property Actually Leased	Exemption Applicable to the Property (the "Exemption Percentage")
FY2008	95%	0.793	75.3%
FY2009	90%	0.793	71.4%
FY2010	85%	0.793	67.4%
FY2011	75%	1.000	75.0%
FY2012	10%	1.000	10.0%
FY2013	10%	1.000	10.0%
FY2014	5%	1.000	5.0%
FY2015	5%	1.000	5.0%
FY2016	50%	0.827	41.35%
FY2017	50%	0.827	41.35%
FY2018	50%	0.827	41.35%
FY2019	50%	0.827	41.35%
FY2020	50%	0.827	41.35%

The chart above is illustrative. The actual Pro Rata Share in any given year will be determined by dividing the floor area of the Company Space actually leased (in such year) by the total floor area (176,020 s.f.) of the building on the Property. In any year in which the Company leases the entire building, the Pro Rata Share would be 100%. The actual Exemption Percentage in any given year is the product of the Company Space - TIF Exemption Percentage times the Pro Rata Share of the Property Actually Leased.

The Property is currently eligible for exemption and will continue to be eligible on July 1, 2015 following the action of the EACC approving this TIF Agreement amendment, as provided in 760 CMR 22.05(4)(d).

3. The base valuation shall be the assessed value of the Property in the base year. The base year is the fiscal year immediately preceding the fiscal year in which the Property becomes eligible for a Tax Increment Financing Exemption. The base year for this Amended TIF Agreement is fiscal year 2007 and the base valuation for the Property was determined on or about the fall of 2006. The incremental value of the Property is the difference, in any given year, between the assessed value of the Property in such year and the base value (as adjusted by the adjustment factor described below). The incremental value of the Property is the amount eligible for exemption from Chapter 59 property taxation. All exemptions will be enacted upon realization of an increase in the assessed value of the Property that results from new investment by the Company.

4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 and in 760 CMR 22.00. This adjusted base valuation will remain fully taxable (i.e., Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this Amended TIF Agreement. The increased value of “increment” created by improvements to Company Space will be the amount eligible for exemption from taxation (calculated and applied as provided in paragraph 2 of this Section A).

**B. THE COMPANY’S AND THE PROPERTY OWNER’S OBLIGATIONS**

1. The City is granting the Tax Increment Financing Exemption for the Property in consideration of the Company's commitment to:
  - a. Maintain its current employment level of 454 permanent full-time jobs and permanent part-time jobs in the City;
  - b. Capital investment of approximately \$7.5 million, in addition to the \$24 million already invested, in two locations in Marlborough, and pay all municipal permit fees required in connection with such improvements and investments; and in consideration of the commitment of both the Company and the Property Owner to timely pay all of their taxes owed to the City over the term of this Amended TIF Agreement.

The Company agrees to create and, over the term of this Amended TIF Agreement, maintain 150 permanent new full time employee jobs open to qualified residents of Marlborough and the ETA region, "new" being defined as the total jobs that exceed the current employment level of 454 located in the Company’s two sites in Marlborough and "permanent full-time employee" being defined in 402 C.M.R. 2.03 ("New Permanent Full-Time Employees"), according to the following schedule:

<u>Fiscal Year</u>	<u>Minimum Total Permanent New Full-Time Job Requirement</u>
2016 (as of 6/30/16)	75
2017 (as of 6/30/17)	150
2018 (as of 6/30/18)	150
2019 (as of 6/30/19)	150
2020 (as of 6/30/20)	150

In meeting its commitment above, and consistent with all federal, state and local laws and regulations, the Company agrees to use reasonable commercial efforts to open new permanent full-time employee jobs at the Company’s two sites in Marlborough to qualified residents of Marlborough and then the regional ETA.

2. The Company shall submit annual written reports on job creation, job retention, and new investments at the Property to the City's Mayor (or to the Mayor's designee) and to the Massachusetts Economic Assistance Coordinating Council by the end of September of each year with respect to the immediately preceding fiscal year during which this Amended TIF Agreement is in effect. Reports shall be submitted for the fiscal year beginning on July 1, 2015, and for every fiscal year thereafter falling within the term of this Amended TIF Agreement; the first report, therefore, shall be submitted by the end of September 2015. The annual report shall include: (a) employment levels at the Property at the beginning and end of the reporting period; (b) the specific number of ETA and Marlborough residents employed at the Property at the beginning and at the end of the reporting period; (c) a full accounting of the reasonable commercial efforts made by the Company to open new permanent full-time jobs at the Property to qualified residents of Marlborough and then to the regional ETA; (d) a narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by Company for the purchase of new machinery and equipment at the Property; (e) the Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and (f) a description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period. During the term of this Amended TIF Agreement, the Company will also provide the City with any information related to the Property and/or the Company's improvements thereto which the parties mutually agree upon be provided.
3. The Tax Increment Financing Exemption percentage will automatically be adjusted downward in any particular year that the Company does not meet the minimum total permanent new full-time job requirements described above, "new" being defined as exclusive of those permanent full-time jobs relocated to the Property from Company's facility on Campus Drive in Marlborough. This exemption percentage will be changed for the fiscal year beginning after the job requirement date utilizing the following formula:  
$$\frac{\text{Actual Total Permanent New Full-Time Job Level}}{\text{Minimum Total Permanent New Full-Time Job Requirement}} \times \text{Scheduled Exemption Percentage} = \text{Actual Exemption Percentage}$$

For example, if the actual total new full-time job level at the end of FY 2017 is 100, then the exemption percentage for FY 2018 will be  $(100/150) \times 41.35\%$  or 27.57%.

The exemption percentage for later years will revert back to the original schedule above if the Company restores the job level based on the minimum total requirement for that later year. If the Company meets or exceeds its total permanent new full-time job requirements, the exemption schedule will not change.

4. The Company will be in default of its respective obligations under this Amended TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements of Paragraphs 1 or 2 of this Section B or Paragraph 5 or 6 of this Section B below, and the City further determines that such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this Amended TIF Agreement, including but not limited to, a request that EACC decertify the Property for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedule described in Paragraph 3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Increment Financing Exemption benefits described in Paragraph 1 of this Section B, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Company at 250 Campus Drive, Marlborough, MA 01752. Said notice shall be effective upon receipt.
5. If, at any time prior to the expiration of the term on this Amended TIF Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations at the Property, the City shall be entitled to be paid back forthwith by the Company a sum equal to a proportionate share of the amount of tax savings that had been received by the Company under this Agreement in the fiscal year immediately prior to the fiscal year when the Company moves from, vacates, abandons, or otherwise fails to maintain operations at the Project Area, according to the following schedule:

### COMPANY'S PAY-BACK SCHEDULE

FY that the Company Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations at the Property	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2016	90%
2017	80%
2018	70%
2019	60%
2020	50%

The payback amounts shall be paid back by the Company in full within sixty (60) days of a written demand by the City. If payment is not timely made, interest shall accrue at the rate of one percent (1%) per month until such time as full repayment has been made.

If the Company plans to move from the Property, the City shall be given sixty (60) days' written notice prior to any move from the Property. The City shall not, except as required by law, disclose any information provided by the Company regarding any move from the Property.

6. The Company shall use reasonable efforts to solicit qualified Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by Company for the Company's proportionate share of the Property, including but not limited to the improvements to the building on the Property as well as the purchase of new machinery and equipment at the Property.

#### C. OTHER CONSIDERATIONS

1. Nothing in this Amended TIF Agreement, express or implied, will give or be construed to give to any person or entity other than the Company, the Property Owner and the City, any legal or equitable right, remedy or claim under the terms and provisions hereof, or under any covenant or provision herein contained, all such covenants and provisions being for the sole and exclusive benefit of the parties hereto. The foregoing notwithstanding, any subsequent owner or assignee of the Property shall be entitled to the benefits and burdens of this Agreement, in accordance with applicable law and regulation, so long as the Project has not been decertified by EACC.
2. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, so long as the Project's certification has not been revoked by EACC.

3. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
4. The Property Owner shall pass all real estate property tax savings resulting from this Amended TIF Agreement to the Company.
5. The effective date of this Amended TIF Agreement shall be June \_\_\_\_, 2015, the presumptive date of final approval by the Economic Assistance Coordinating Council.

All notices, reports or other communications required or permitted under this Amended TIF Agreement must be in writing signed by a duly authorized representative of the City, Company, or Owner, or as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough  
City Hall  
Attention: Mayor's Office  
140 Main Street  
Marlborough, MA 01752

COMPANY: Hologic, Inc.  
Attention: Chief Operating Officer  
250 Campus Drive  
Marlborough, MA 01752

OWNER: 445 Simarano Drive Marlborough LLC  
Metropolis Partners, Inc.  
1 Ferry Building, Suite 255  
San Francisco 94111

WITNESSETH the execution and delivery of this Amended TIF Agreement by the City of Marlborough, Hologic, Inc., and 445 Simarano Drive Marlborough LLC as an instrument under seal as of the date first above written.

AGREED TO:

**HOLOGIC, INC.**

By: \_\_\_\_\_ Dated: \_\_\_\_\_, 2015

Name: Eric Compton

Title: Chief Operating Officer

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared Eric Compton, as Chief Operating Officer of Hologic, Inc., and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, that he is the person whose name is signed on the preceding or attached document.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**445 SIMARANO DRIVE MARLBOROUGH LLC**

By: \_\_\_\_\_ Dated: \_\_\_\_\_, 2015

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_ as \_\_\_\_\_ of 445 Simarano Drive Marlborough LLC, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, that she/he is the person whose name is signed on the preceding or attached document.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**CITY OF MARLBOROUGH**

By: \_\_\_\_\_ Dated: \_\_\_\_\_, 2015

Arthur G. Vigeant  
Mayor  
City of Marlborough

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, that he is the person whose name is signed on the preceding or attached document.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF THE SECRETARY  
OF  
HOLOGIC, INC.**

**May \_\_, 2015**

The undersigned, \_\_\_\_\_, hereby certifies as follows:

1. The undersigned is the duly elected Secretary of Hologic, Inc., a Delaware corporation (the "Company").
2. The undersigned hereby certifies that Eric Compton, as Chief Operating Officer of the Company, is authorized to execute binding agreements on the Company's behalf, including without limitation the Amended Tax Increment Financing Agreement among the City of Marlborough, the Company, and 445 Simarano Marlborough LLC.

The undersigned has executed this certificate as Secretary of the Company as of the date first written above.

\_\_\_\_\_  
Secretary

**APPROVED;** adopted.

**Yea: 11-Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram**

ORDERED: That the Communication from Jeffrey & Karen Kisty re: Purchase of Shoestring Hill, **FILE**; adopted.

ORDERED: That the Communication from Attorney Brewin, on behalf of Richard & Jill Cochrane re: Notice Pursuant to MGL c.61 §8 of Intent to Sell for Use Other than Forest Land, 421 Bolton St., Maps 30-13 and 30-14, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

**Councilor Pope abstained.**

ORDERED: That the Marlborough High School Council, April 1, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 5, 2015, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, April 28, 2015, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Kristen Mikula, 211 West Hill Rd., residential mailbox claim 2(a).
- b. Kyle Thebado, 36 Crestwood Ln., other property damage.
- c. Audrey Ward, 336 Hosmer St., other property damage.
- d. Lindsey Bordeur, 152 Church St., pothole or other road defect.

Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: May 13, 2015

Time: 4:45 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 4:50 PM

Adjourned: 5:07 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

Also Present: Thomas DiPersio Jr., Civil Engineer, Thomas DiPersio Jr. & Associates, Inc.; **Al Brodeur, Owner/President**, Al Brodeur's South Street Auto; **Molly Brodeur, Chief Operating Officer**, Al Brodeur's South Street Auto

**Order No.15-1006199: Communication from Civil Engineer DiPersio re: Approval of Extension to the City's sewer system for Al Brodeur's South Street Auto, 412 South Street.**

The Public Services Committee met to discuss the request from Al Brodeur's South Street Auto to connect their property located at 412 South Street to the City of Marlborough sewer system. The City of Marlborough Engineering Department requested the applicant upgrade the portion of existing sewer main on South Street and Mill Street North from six-inch to an eight-inch pipe for compliance with the Department of Public Works Regulations for a total of 265 feet of new eight-inch main construction. The applicant predicted a discharge of about 300 gallons per day based on DEP published estimates for this type of property and the Engineering Department had no concerns about the additional flow to the municipal system.

## Reports of Committees Cont'd:

**Motion made by Councilor Clancy, seconded by Councilor Irish, to recommend the approval of the sewer extension permit to Mr. Brodeur and South Street Auto at 412 South Street in conformance with the signed plans dated 10/20/2014 including the requirement to connect the sewer service from 492 South Street to the new sewer main and the abandonment of the portions of the 492 South Street sewer service within South Street and Mill Street North using flowable fill. Prior to any excavation on private property or within the public layout, the applicant shall secure a street opening and trench permit from the Marlborough Engineering Division. In order to secure this permit, the applicant shall provide a bond in the format acceptable to the City equal to value of one-hundred percent of the work to be completed within the public layout and which is consistent with the latest version of the Rules and Regulations for Licensure and Street Openings.**

**The motion carries 3-0.**

**Motion made by Councilor Clancy, seconded by Councilor Irish, to adjourn. The motion carries 3-0. The meeting adjourned at 5:07 PM.**

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: May 5, 2015

Time: 5:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM

Adjourned: 6:27 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, Tunnera, and Page; Councilor Pope

Also Present: David McCay, Mirick O'Connell; George Delegas, NGP Management; Cynthia Panagore Griffin, Assistant City Solicitor, City of Marlborough

**Order No. 15-1006070: Application for Special Permit from Attorney Bergeron on behalf of NGP Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street.**

The Urban Affairs Committee met with the applicant's representatives over the course of several meetings for discussions on traffic, building aesthetics, lighting, signage and other issues for the building and site. At the meeting held on May 5, 2015, Chairman Delano read through the twenty-eight conditions that comprise the Decision on a Special Permit, City Council Order No. 15-1006070 (Draft decision for review May 5, 2015). The committee agreed upon the conditions with minor changes for clarity.

**Motion made by Councilor Clancy, seconded by Chair, to recommend approval of the Special Permit from Attorney Bergeron on behalf of NGP Management LLC, as amended, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street. Carries 5-0.**

Reports of Committees Cont'd:

**Motion made by Councilor Clancy, seconded by Chair, to request a suspension of the rules at the May 18, 2015 regular City Council meeting to refer to the City Solicitor for placement of the Special Permit Decision in proper legal form on the June 1, 2015 agenda. Carries 5-0.**

**Motion made by Councilor Clancy, seconded by Chair, to adjourn. Carries 5-0. The meeting adjourned at 6:27 PM.**

Councilor Ossing reported the following out of the Finance Committee:

**Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Elder, and Irish. Councilors Pope, Delano, Landers, Clancy, Tunera and Page were also in attendance. The meeting convened at 6:10 PM.**

**1. Order No.15-1006197 - Mayor Fiscal Year 2016 Operating Budget for \$143,287,762.00:** The Finance Committee reviewed the Mayor's letter dated April 30, 2015 requesting the approval of the Fiscal Year 2016 (FY16) operating budget for \$143,287,762.00.

Attachment 1 contains the projected tax implications based on the Mayor's FY16 budget. The Mayor's FY16 budget results in a 3.52% estimated increase in the property tax levy or an increase of approximately \$140.73 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2015.

Attachment 2 contains the projections for the state and local revenues for FY16 that were used in developing the tax implications.

The Finance Committee voted 50 to approve the following reductions:

- Reserve for Salaries Account 1990-57820 - \$250,000.00
- Electricity Account 1920-52120 - \$250,000.00

The Finance Committee voted 5 – 0 to approve a \$500,000.00 reduction to the Mayor's FY16 budget of \$143,287,762.00. The Finance Committee voted 5 -0 to approved a FY16 budget of \$142,787,762.00. This represents a 4.16% increase from the FY15 budget or an increase of \$5,701,239.00.

The Finance Committee adjourned at 8:21 PM.

## Reports of Committees Cont'd:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: May 13, 2015

Time: 5:15 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:15 PM

Adjourned: 5:22 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish

Also Present: Mayor Arthur Vigeant

**Order No. 15-1006129:** The Appointment of Richard Cygan, to the Council on Aging for a four year term to expire from date of approval. **Recommendation of the Personnel Committee is to approve the Appointment of Richard Cygan to the Council on Aging for a four year term to expire from date of approval. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. The motion carried 3-0.**

**Motion made by Councilor Elder, seconded by the Chair, to adjourn. The motion carried 3-0 and the meeting adjourned at 5:22 PM.**

**Suspension of the rules requested – granted**

ORDERED: That the Application for a Special Permit by NPG Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple Street, to June 16, 2015, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR JUNE 1, 2015 CITY COUNCIL AGENDA**; adopted.

**Councilor Robey recused.**

ORDERED:

**TURF FIELD BOND**

That the sum of \$3,855,059.00 (three million eight-hundred fifty-five thousand and fifty-nine) dollars be and is hereby appropriated for the construction of a synthetic turf athletic field, new track and concession stand at the Whitcomb Middle School Field and that to meet said appropriations, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,855,059.00.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

**APPROVED;** adopted.

**Yea: 10-Nay: 0-Abstain:1**

**Yea: Delano, Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram**

**Abstain: Elder**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:54 PM.